

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

USCOC OF GREATER MISSOURI, LLC  
d/b/a U.S. CELLULAR,

Plaintiff(s),

vs.

COUNTY OF FRANKLIN, MISSOURI,

Defendant(s).

Case No. 4:07CV1426 JCH

**ORDER**

This matter is before the Court upon its review of the record. In an Order entered August 20, 2008, the Court remanded this case to Defendant County of Franklin, Missouri's Board of Zoning Adjustment ("BZA"), for further proceedings consistent with the Order. (Doc. No. 50). The BZA held hearings on U.S. Cellular's appeal on October 28, 2008, and November 25, 2008. (Doc. No. 51, P. 1). During the second hearing, the BZA voted to grant U.S. Cellular's appeal and its requested conditional use permit. (Id.). The BZA issued its written decision granting the appeal on or about December 23, 2008. (Id.). On March 10, 2009, Plaintiff voluntarily dismissed Count III of its First Amended Complaint. (Doc. No. 53).

In an Order entered April 3, 2009, the Court noted Plaintiff's First Amended Complaint was directed to the BZA's July 11, 2007, written decision, a decision that was superceded by the December 23, 2008, opinion. (Doc. No. 54). The Court thus ordered the parties to file briefs addressing whether Plaintiff's First Amended Complaint should be dismissed as moot. Having reviewed the parties' submissions, the Court now finds the First Amended Complaint should be dismissed as moot, as the remaining Counts are directed to a decision that is no longer in force or effect.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint (Doc. No. 16) is **DISMISSED** as moot. An appropriate Order of Dismissal will accompany this Order.

**IT IS FURTHER ORDERED** that the outstanding motions in this matter (Doc. Nos. 56, 58, 64) are **DENIED** as moot.

Dated this 26th day of May, 2009.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE